
SENATE BILL No. 297

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-18-6; IC 14-15-2-8; IC 35-45-3-2; IC 36-1-8-5.

Synopsis: Local government matters. Allows officers of a political subdivision to transfer money between departments in the same fund of the political subdivision without notice and approval of the department of local government finance if the transfer meets certain requirements. Allows a city, town, or county to regulate and adopt civil penalties for littering on public property. Allows a political subdivision to make transfers to the political subdivision's rainy day fund after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year.

Effective: July 1, 2008.

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January 10, 2008, read first time and referred to Committee on Local Government and Elections.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 297

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-18-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The proper
3 officers of a political subdivision may transfer money from one (1)
4 major budget classification to another within a department or office **or**
5 **between departments in the same fund of the political subdivision**
6 if:

- 7 (1) they determine that the transfer is necessary;
8 (2) the transfer does not require the expenditure of more money
9 than the total amount set out in the budget as finally determined
10 under this article; and
11 (3) the transfer is made at a regular public meeting and by proper
12 ordinance or resolution.

13 (b) A transfer may be made under this section without notice and
14 without the approval of the department of local government finance.

15 SECTION 2. IC 14-15-2-8 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) As used in this
17 section, "litter" means bottles, glass, crockery, cans, scrap metal, junk,



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paper, garbage, rubbish, plastic, or similar refuse.

(b) In the operation or use of watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

(1) any litter, filth, or putrid or unwholesome substance; or

(2) the contents of a water closet or toilet, catch basin, or grease trap;

in or upon public water or the banks of public water.

(c) Notwithstanding IC 36-1-3-8(a), a city, town, or county may regulate littering on public property (including the placement and type of containers provided for refuse) as follows:

(1) The legislative body (as defined in IC 36-1-2-9) may adopt an ordinance that is at least as restrictive or more restrictive than this section.

(2) A park board of a city, town, or county may adopt a regulation that is at least as restrictive or more restrictive than this section with respect to parks and recreation areas within the park board's jurisdiction. A civil penalty for violation of a park board regulation is not enforceable unless the legislative body (as defined in IC 36-1-2-9) of the city, town, or county adopts an ordinance authorizing a penalty for violation of the regulation.

(3) A civil penalty for a violation of an ordinance or regulation under this subsection may not exceed:

(A) one hundred dollars (\$100) for the first violation;

(B) two hundred fifty dollars (\$250) for the second violation; and

(C) five hundred dollars (\$500) for any subsequent violation.

All civil penalties collected for violations of an ordinance or regulation under this subsection must be deposited in the general fund of the city, town, or county.

SECTION 3. IC 35-45-3-2, AS AMENDED BY P.L.231-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally places or leaves refuse on property of another person, except in a container provided for refuse, commits littering, a Class B infraction. However, the offense is a Class A infraction if the refuse is placed or left in, on, or within one hundred (100) feet of a body of water that is under the jurisdiction of the:

(1) department of natural resources; or

(2) United States Army Corps of Engineers.

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Notwithstanding IC 34-28-5-4(a), a judgment of not more than one thousand dollars (\$1,000) shall be imposed for each Class A infraction committed under this section.

(b) "Refuse" includes solid and semisolid wastes, dead animals, and offal.

(c) Evidence that littering was committed from a moving vehicle other than a public conveyance constitutes prima facie evidence that it was committed by the operator of that vehicle.

(d) Notwithstanding IC 36-1-3-8(a), a city, town, or county may regulate littering on public property (including the placement and type of containers provided for refuse) as follows:

(1) The legislative body (as defined in IC 36-1-2-9) may adopt an ordinance that is at least as restrictive or more restrictive than this section.

(2) A park board of a city, town, or county may adopt a regulation that is at least as restrictive or more restrictive than this section with respect to parks and recreation areas within the park board's jurisdiction. A civil penalty for violation of a park board regulation is not enforceable unless the legislative body (as defined in IC 36-1-2-9) of the city, town, or county adopts an ordinance authorizing a penalty for violation of the regulation.

(3) A civil penalty for a violation of an ordinance or regulation under this subsection may not exceed:

(A) one hundred dollars (\$100) for the first violation;

(B) two hundred fifty dollars (\$250) for the second violation; and

(C) five hundred dollars (\$500) for any subsequent violation.

All civil penalties collected for violations of an ordinance or regulation under this subsection must be deposited in the general fund of the city, town, or county.

SECTION 4. IC 36-1-8-5, AS AMENDED BY P.L.1-2007, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

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(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township. However, if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) If there is:

(1) an unexpended balance in the debt service fund of any school township; and

(2) no outstanding bonded or other indebtedness of the school township to the payment of which the unexpended balance or any part of the unexpended balance can be legally applied;

the township trustee of the township, with the approval of the township board, may transfer the unexpended balance in the debt service fund to the school general fund of the school township.

(e) Whenever any township has collected any fund for the special or specific purpose of erecting or constructing a school building and the township trustee of the township decides to abandon the proposed work of erecting or constructing the school building, the township trustee of the township shall transfer the fund collected for the special or specific purpose to the township fund of the township, upon the order of the township board to make the transfer. It is lawful thereafter

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1 to use the funds for any purpose for which the township funds of the
2 township may be used.

3 (f) Transfers to a political subdivision's rainy day fund may be made
4 ~~at any time during the political subdivision's fiscal year.~~ **after the last**
5 **day of the political subdivision's fiscal year and before March 1 of**
6 **the subsequent calendar year.**

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